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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/074,544 | 05/08/1998 | GORDON R. MEYER | P2248US1-472 | 2392 |

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| EXAMINER |
|---|
| HUYNH, BA |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2179 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 05/15/2009 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/074,544 | MEYER ET AL. |
| | Examiner | Art Unit | |
| | Ba Huynh | 2179 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _29 December 2008_.
2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _62-77_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _62-77_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All    b)☐ Some *   c)☐ None of:
         1.☐ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

# DETAILED ACTION

## *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 2/25/09 has been entered.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

**Claims 62-77 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent**

**5,963,208 (Dolan et al), in view of US patent #5,848,410 (Walls et al, hereinafter Walls),**

**further in view of US patent #6,055,544 (DeRose et al.).**

- As for claims 62, 70: Dolan et al (hereinafter Dolan) teach a computer implemented

   method and corresponding system for displaying a plurality of information topics that

   are available via an online (Bicycles books, figures 2, 8A,B,C) for a computer,

   comprising the steps/means for:

- creating a plurality of folders that are respectively associated with the plurality of

topics (figures 2, 8A,B,C),

storing one or more HTML source files of information for given topics in the

respective folders associated with those topics (3:33-38, 10:65-11:6. Each retrieved

portion of document is parsed to generate the corresponding portion of the tree, thus it is

implied the storing one or more HTML source files of information for given topics in the

respective folders associated with those topics),

detecting the selection of one of the folders, the folder being associated with a topic

of interest (7:29-32),

searching each of the files at a first hierarchical level in the selected folder to identify

files of a predetermined type (10:1-36, 14:31-45),

examining each of the identified file to locate HTML tags (11:49-60, fig. 7) that

pertain to the display of on-line information (3:33-38, 10:65-11:6, 17:40-18:43).

generating an HTML file containing data associated with each of the located

metatags, and displaying an HTML page in accordance with the generated file to thereby

provide a table of contents for the topic of interest associated with the selected folder

(3:33-38, 10:65-11:6, 17:40-18:43).

Dolan's HTML tags associate with metadata such as "author", "version", "access

time/date" appear to be metatags. Even if it is not, parsing metatags for creating an index

is well known and is disclosed by Walls (Walls' 6:16-35, 14:23-65). It would have been

obvious to one of skill in the art, at the time the invention was made, to combine Walls'

teaching of parsing metatags to Dolan. Motivation of the combining is for the obvious advantage of having descriptive information provide by the metatags.

While teaching the information on-line such as the bicycle books, Dolan fails to expressly teach that the information on-line (e.g., bicycle books) is help information. However in the same field of retrieving help information from a large document, DeRose teach the similar method of generating a table of content of a large on-line help document for a bicycle (Operation Manual). It would have been obvious to one of skill in the art, at the time the invention was made, to combine DeRose's teaching of help document to Dolan for generating a hierarchy of folders representing on-line help topics. Motivation of the combine is for easy access to desired help topics of a help document as set forth in both references. Note: Per Dolan, the document is in HTML format and links embedded therein are parsed to generate the hierarchy of topic folders (17:66-18:4), this teaching implies that metatags associated with the links are parsed. Even if it is not parsing metatags of a document for generating a hierarchy of topics is disclosed by DeRose (DeRose's 14:40-53, 17:60-19:58).

- As for claim 63, 64: Filename, header, tags, element locator, URN are creator designation (Dolan's figure 8C, DeRose's 12:1-18. See also the incorporated by reference patent 5,557,722, 3:28-40, fig 15).

- As for claim 65: Dolan teaches filename (Dolan's figure 8C) but is not clear regarding the designation is a file extension. However in the same field of the invention, Walls teaches identifying a file format based on the file extension (Walls' 12:10-20). It would have been obvious to one of skill in the art, at the time the

invention was made, to combine Walls' teaching of identifying a file format by file

extension to Dolan. Motivation of the combine is for preventing of searching

irrelevant files as expressly suggested by Walls.

- As for claims 65: The pre-designation is a file extension ("abook#EID(13)", 12:5-7).

- As for claims 66: The predetermined type is a text file (DeRose's figure 6, item 102).

- As for claims 67: DeRose teaches the implementation of template file (i.e., style

  sheet) for formatting the Table of Content (15:41-16-9. See also the incorporated by

  reference patent 5,557,722, 3:40-49). Per DeRose, each document is provided with

  one or more style sheet (see the '722 patent, 3:40-42, fig 15), thus the retrieving the

  template (style sheet) from the document, duplicating the content of the template file,

  and replacing token in the file correspond to the located metatag with data from the

  metatags that were located in each identified file are inherently included in DeRose.

- As for claims 68: The template is stored in the selected folder (see the '722 patent,

  3:40-42, fig 15).

- As for claims 69: Data from each identified file are written in separate row in the

  generated file (see the '722 patent, fig 15).

- As for claim 71: Per Walls, files are filtered by predetermined designation, such as

  by filename extensions .HTML, .HTY, and .TXT (12:13-18).

- As for claim 72: Filename, element locator are creator designation (12:1-18. See also

  the incorporated by reference patent 5,557,722, 3:28-40, fig 15).

- As for claim 73: The pre-designation is a file extension (12:13-18).

- As for claim 74: The predetermined type is a text file (DeRose's figure 6, item 102; Walls' 12:13-18).

- As for claim 75: DeRose teaches the implementation of template file (i.e., style sheet) for formatting the Table of Content (15:41-16-9. See also the incorporated by reference patent 5,557,722, 3:40-49). Per DeRose, each document is provided with one or more style sheet (see the '722 patent, 3:40-42, fig 15), thus the retrieving the template (style sheet) from the document, duplicating the content of the template file, and replacing token in the file correspond to the located metatag with data from the metatags that were located in each identified file are inherently included in DeRose.

- As for claim 76: The template is stored in the selected folder (see the '722 patent, 3:40-42, fig 15).

- As for claim 77: Data from each identified file are written in separate row in the generated file (see the '722 patent, fig 15).

### *Response to Arguments*

Applicant's arguments filed 12/29/08 have been fully considered but they are not persuasive.

Remarks:

As for claim 62, the limitation "searching each of the files at a first hierarchical level in the selected folder to identify files of a pre-determined type" is disclosed by Dolan (10:1-36, 14:31-45). Per Dolan, Type field 716 of link record 700 contains data specifying the type of the subject item. Display manager queries the type of the link as indicated by the Type field. Walls

also discloses in 12:13-22 a file system definer 222 analyzes file system 165 to determine

particular type of formats in which files are written. Walls' figures 8 and 9 display indexes of

files and folders of different types and contents.

In the 4/9/09 interview, the applicant argues that the files displayed the Graph are parsed

by the system, not in response to user selection. In response to the argument, Dolan clearly

discloses in figure 8A-C the parsing responsive to user selection of folder 808C and 808C2.


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The

examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh

/Ba  Huynh/

Primary Examiner, Art Unit 2179